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OSBORNE *v.* GILLENWATERS.

Sept. 16, 1920.

[104 S. E. 578.]

1. **Deeds (§ 54*)—Takes Effect from Delivery.**—Since a deed takes effect only on delivery, where a mother executed deed to her son, and did not deliver it but retained its possession pending reformation in his habits, she could make voluntary gift of the land to the son's wife.

[Ed. Note.— For other cases, see 4 Va.-W. Va. Enc. Dig. 403.]

2. **Deeds (§ 208 (1)*)—Evidence Held to Sustain Decision That Mother's Conveyance to Son Was Delivered.**—In suit by a husband's creditor to subject a tract of land to his debts, evidence held sufficient to sustain the trial court's decision that deed of the land to the son from his mother was executed and delivered before attempted conveyance by the mother to the son's wife.

[Ed. Note.— For other cases, see 4 Va.-W. Va. Enc. Dig. 403, et seq.]

3. **Appeal and Error (§ 1011 (1)*)—Decision of Trial Court Not Reversible for Mere Conflict of Evidence.**—Where the circuit court, on conflicting evidence, rendered its decree for plaintiff, the Supreme Court would not reverse, even if, viewing the case as if no decision had been rendered by the circuit court, the Supreme Court were of opinion that the weight of the evidence, on the whole, favored defendants.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 620.]

Appeal from Circuit Court, Russell County.

Suit by Una V. Gillenwaters against S. S. Osborne. From a decree for plaintiff, defendant appeals. Affirmed.

W. W. Bird and *R. S. Meade*, both of Lebanon, for appellant.
Finney & Wilson, of Lebanon, for appellee.

SKEEN *v.* BELCHER et ux.

Sept. 16, 1920.

[104 S. E. 582.]

1. **Bonds (§ 125*)—Nil Debet Not Appropriate Plea in Action on Sealed Instrument.**—The plea of nil debet is the general issue in an action on debt on a simple contract, and is not the appropriate plea in an action on an instrument under seal.

[Ed. Note.—For other cases, see 11 Va.-W. Va. Enc. Dig. 256; 2 Va.-W. Va. Enc. Dig. 557, et seq.]
